

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

MTBT 1 to 5

3. Subject

Temporary licensure and continuing education

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The proposed rule will update current Wis. Admin. Code Chapter MTBT 1 to MTBT 5 pursuant to the passage of 2009 Wisconsin Act 355. The legislation transformed the former Massage and Bodywork Advisory Council into the Massage Therapy and Bodywork Therapy Affiliated Credential board. The legislation also granted the newly created board rule making authority and the authority to issue licenses instead of certificates. The proposed rule updates the language of the current rule by replacing the term department and inserting the term board as well as replacing the term certificate and inserting the term licensure. Furthermore, the proposed rule will define additional terms such as informed consent, intimate parts, and sexually oriented business. Lastly, the proposed rule sets forth the requirements for temporary licensure and continuing education.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This proposed rule was posted on the Department of Safety and Professional Services website and on the state website for 14 business days to solicit comments from the public. No businesses, business sectors, associations representing businesses, local governmental units, or individuals contacted the department about the proposed rule.

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental entities participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local government units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The major benefit of implementing the proposed rule is making the current rules consistent with 2009 Wisconsin Act 355.

14. Long Range Implications of Implementing the Rule

The proposed rule will provide greater guidance within the profession for licensees, applicants, and local massage therapy schools on the temporary licensure and continuing education requirements.

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15. Compare With Approaches Being Used by Federal Government
NA

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Illinois regulates massage therapy via the Massage Licensing Act. Ill. Admin. Code tit.68 §1284 (2012) Illinois exempts students from the licensure requirement as long as they are practicing in conjunction with an approved massage school or program. Approved massage therapy schools are required to meet certain criteria including maintaining written programs, written plans of study, written course outlines and student handbooks. Applicants are required to obtain 500 hours of supervised hands-on instruction from an approved massage therapy school. Ill. Admin. Code tit. 68 §1284.20 With regards to continuing education 24 hours are required per biennium. Illinois does not issue a temporary license.

Iowa:

Iowa allows temporary licensure for applicants who hold a current license in other states with less stringent licensure criteria. IAC 131-5 (1) Temporary licensure is valid for one year and may not be renewed. Iowa requires 24 hours of continuing education per biennium. IAC 133.2 (152C).

Michigan:

Michigan regulates massage therapy by statute under MCL 333.17591-333.17969 (2012). Administrative rules are pending as of December 19, 2011. 18 hours of continuing education are required by statute. There are no provisions for temporary licensure. The Michigan practice act allows students to practice massage therapy as a part of program of study if they are enrolled in school and under the supervision of a licensed massage therapist.

Minnesota:

Massage and bodywork therapist are not licensed, certified, or registered in Minnesota. Minnesota maintains general oversight of the practice of massage therapy and bodywork through Minn. Stat. §146A, (2011) The Unlicensed Complementary and Alternative Health Care Practice Act. This act identifies body work, massage, and massage therapy as encompassed within the, "broad domain of complementary and alternative healing methods and treatment".

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18. Contact Phone Number

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This document can be made available in alternate formats to individuals with disabilities upon request.

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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